

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>JOHN RUFFINO and MARTHA RUFFINO,</b>	)	
<b>Husband and Wife,</b>	)	
	)	
<b>Plaintiffs,</b>	)	<b>Civil Action No.: 3:17-cv-00725</b>
	)	
<b>v.</b>	)	<b>Jury Demand</b>
	)	
<b>DR. CLARK ARCHER and HCA HEALTH</b>	)	<b>Judge Campbell</b>
<b>SERVICES OF TENNESSEE, INC. d/b/a</b>	)	<b>Magistrate Judge Newbern</b>
<b>STONECREST MEDICAL CENTER,</b>	)	
	)	
<b>Defendants.</b>	)	

**PLAINTIFFS' RESPONSE TO DEFENDANT'S MOTION IN LIMINE #7**

The Plaintiffs do not oppose this Motion, so long as it precludes either side from introducing the note into evidence.

As the Defendant notes: the note is inadmissible hearsay because “much of the contents of the note were gathered from other individuals” and “this note does not have any indicia of reliability or equivalent circumstance guarantees of trustworthiness...” These arguments apply equally even if the Defendant becomes the proponent of the evidence.

**RESPECTFULLY SUBMITTED,**

s/ Mark Hammervold

---

**Brian Cummings, #19354**

Cummings Law

4235 Hillsboro Pike, #300

Nashville, TN 37215

Phone: 615-800-6822

Fax: 615-815-1876

[brian@cummingsinjurylaw.com](mailto:brian@cummingsinjurylaw.com)

**Mark Hammervold, #31147**

Hammervold, PLC

315 Deaderick Street, Suite 1550

Nashville, TN 37238

(615) 928-2466 (phone)

(615) 928-2264 (fax)

[mark@hammervoldlaw.com](mailto:mark@hammervoldlaw.com)

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I certify that I served all parties in this matter through counsel of record listed below with the foregoing by CM/ECF on December 21, 2018:

James E. Looper, Jr.  
Hall Booth Smith, PC  
Fifth Third Center  
424 Church Street, Suite 2950  
Nashville, TN 37219  
(615) 313-9911 (phone)  
(615) 313-8008 (fax)  
[jlooper@hallboothsmith.com](mailto:jlooper@hallboothsmith.com)

*Counsel for the Defendant*  
*Dr. Clark Archer*

s/ Mark Hammervold

---

**Mark Hammervold**